UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.
    4a) Of the above claim(s) <u>none</u> is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-19</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>10 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>20040809 & 20040310</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Priority

1.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e)

or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Claim Objections

2.   Claim 11 is objected to because of the following informalities: Line 3 of Claim 11

has an extra "0" character in front of the word "and". Appropriate correction is required.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by

Surwit et al. (US 6,024,699).

3.   As to **Claim 1**, Surwit teaches a system for providing a user with preventive care health maintenance information during a user's lifetime (Surwit, Abstract, col. 6 lines 48-55), comprising:

- a stored medical record of a particular user (Surwit, Abstract);

- a repository of health maintenance guidelines and associated time information customized for said particular user based on characteristics including, age, sex and health condition (Surwit, col. 6 lines 28-66 and Fig. 8);

- a processor for employing said guidelines and associated time information and retrieved medical record information of said particular user to initiate generation of a message at a particular time, said message prompting said particular user to initiate action in support of preventive care health maintenance of said particular user (Surwit, col. 7 lines 15-60); and

- a communication processor for processing said message for output communication (Surwit, col. 18 see section, "Communicating Treatment Information to Patients").

4.   As to **Claim 2**, Surwit teaches a system according to claim 1, wherein said message prompts a healthcare provider to initiate action in support of preventive care health maintenance of said particular user (Surwit, col. 9 see section, "Physician Access Center Server"), and said communication processor processes said message for output communication to said healthcare provider (Surwit, col. 6 lines 33-36 and col. 9 see section, "Physician Access Center Server").

5.   As to **Claim 3**, Surwit teaches a system according to claim 2, wherein said

message prompts a healthcare provider to at least one of, (a) schedule an appointment

for a healthcare related visit, (b) initiate preparation of a renewed prescription, and (c)

obtain a financial record associated with a healthcare (Surwit, Fig. 13)

6.   As to **Claim 4**, Surwit teaches a system according to claim 1, wherein said

message prompts said particular user to at least one of, (a) schedule an appointment

for a healthcare related visit, (b) confirm acceptance of a scheduled appointment for a

healthcare related visit, (c) access a message from a healthcare provider, (d) selecting

a healthcare provider to provide a particular service, (e) a reminder to attend a

scheduled appointment, (f) a reminder to take medication, (g) a reminder to renew a

prescription, (h) a reminder to obtain a financial record associated with a healthcare

related visit, (i) a dietary related reminder, and (j) a physical exercise related reminder

(Surwit, col. 18 see section, "Communicating Treatment Information to Patients", col. 6

lines 58-61, col. 8 lines 53-55, col. 12 see section, "Obtaining Data from PPM").

7.   As to **Claim 5**, Surwit teaches a system according to claim 1, wherein said

processor initiates generation of said message prompting said particular user to initiate

a plurality of actions in a prescribed and ordered sequence (Surwit, col. 2 lines 56-63

and col. 18 lines 23-30).

8.   As to **Claim 6**, Surwit teaches a system according to claim 1, wherein said

processor initiates generation of a plurality of messages at a corresponding plurality of

different times prompting said particular user to initiate a plurality of actions in a prescribed and ordered sequence (Surwit, col. 19 lines 59-65 and Fig. 11).

9.   As to **Claim 7**, Surwit teaches a system according to claim 1, wherein said repository of health maintenance guidelines is customized for said particular user based on a health condition characteristic comprising at least one existing medical condition of said particular user (Surwit, col. 6 lines 28-65), and said processor initiates generation of a message at a particular time in response to a treatment regimen associated with said at least one existing medical condition (Surwit, col. 2 lines 56-64).

10.   As to **Claim 8**, Surwit teaches a system according to claim 1, wherein said repository of health maintenance guidelines is customized for said particular user based on at least one module determining guidelines associated with one or more of, (a) a specific disease, (b) a specific medical condition, (c) a particular anatomical part, and (d) a particular anatomical function (Surwit, col. 18 see section, "Communicating Treatment Information to Patients", col. 6 lines 49-65).

11.   As to **Claim 9**, Surwit teaches a system according to claim 1, wherein information comprising said repository of health maintenance guidelines is at least one of, (a) received via encrypted communication from a remote location in response to a user command, and (b) pre-stored in one or more files in a device hosting said system (Surwit, col. 9 lines 25-56).

12.   As to **Claim 10**, Surwit teaches a system according to claim 1, wherein said repository comprises guidelines and associated time information identifying preventive

care activities for performance by said particular user at particular times during an entire remaining user lifetime for maintaining health of said particular user (Surwit, col. 18 see section, "Communicating Treatment Information to Patients").

13.   As to **Claim 11**, Surwit teaches a system according to claim 1, wherein said processor employs said guidelines and associated time information by testing characteristics of said retrieved medical record information against criteria in said guidelines and initiating generation of a message in response to an outcome of said testing (Surwit, col. 9 lines 25-56).

14.   As to **Claim 12**, Surwit teaches a system according to claim 11, wherein said processor employs said guidelines and associated time information by testing data received from at least one of, (a) said particular user, and (b) a healthcare provider (Surwit, Fig. 4).

15.   As to **Claim 13**, Surwit teaches a system according to claim 1, including an adaptation processor for modifying said guidelines in response to at least one of, (a) a received message identifying an update to preventive care medical information used in said guidelines, and (b) user editing of said guidelines (Surwit, col. 11 lines 36-48).

16.   As to **Claim 14**, Surwit teaches a system according to claim 1, including a monitor for monitoring implementation of preventive care health maintenance and identifying to a user via a message at least one of, (a) a record of failure to attend appointments, and (b) a record of failure to respond to data entry prompts (Surwit, col. 8 lines 37-46, col. 19 lines 3-7).

17.   As to **Claim 15**, Surwit teaches a method for providing a web site display image presenting a user with user specific preventive care health maintenance information during a user lifetime (Surwit, col. 8 lines 7-9), comprising the activities of: storing medical record information of a particular user (Surwit, Abstract); storing health maintenance guidelines and associated time information customized for said particular user based on characteristics including, age, sex and health condition (Surwit, col. 6 lines 28-66 and Fig. 8); employing said guidelines and associated time information and retrieved medical record information of said particular user to initiate generation of Internet compatible web page representative data prompting said particular user at a particular time to initiate action in support of preventive care health maintenance of said particular user (Surwit, col. 18 see section, "Communicating Treatment Information to Patients"); and communicating said web page representative data to a user in response to user command (Surwit, col. 9 lines 2-7).

18.   As to **Claim 16**, Surwit teaches a system for providing a user with preventive care health maintenance information during a user lifetime (Surwit, Abstract, col. 6 lines 48-55), comprising: a stored medical record of a particular user (Surwit, Abstract); a repository of health maintenance guidelines and associated time information customized for said particular user based on characteristics including, age, sex, and a particular user medical condition (Surwit, col. 6 lines 28-66 and Fig. 8); a processor for employing said guidelines and associated time information and retrieved medical record information of said particular user to initiate generation of a message at a particular

time, said message prompting said particular user to initiate action in support of preventive care health maintenance of said particular user (Surwit, col. 18 see section, "Communicating Treatment Information to Patients"); and a communication processor for processing said message for output communication to at least one of, (a) a user display, (b) a healthcare provider, and (c) a remote location (Surwit, Fig. 1 and col. 2 see section, "Summary of the Invention").

19. As to **Claim 17**, Surwit teaches a system according to claim 16, including said repository of health maintenance guidelines is customized for said particular user with information concerning at least one or more of, (a) a specific disease, (b) a particular anatomical part, and (c) a particular anatomical function (Surwit, col. 6 lines 28-66).

20. As to **Claim 18**, Surwit teaches a method for providing a user with preventive care health maintenance information during a user lifetime (Surwit, Abstract, col. 6 lines 48-55), comprising the activities of: storing a medical record of a particular user (Surwit, Abstract); storing health maintenance guidelines and associated time information customized for said particular user based on characteristics including, age, sex and health condition (Surwit, col. 6 lines 28-66 and Fig. 8); employing said guidelines and associated time information and retrieved medical record information of said particular user to initiate generation of a message at a particular time, said message prompting said particular user to initiate action in support of preventive care health maintenance of said particular user (Surwit, col. 7 lines 15-60); and processing said message for output

communication (Surwit, col. 18 see section, "Communicating Treatment Information to Patients").

21.   As to **Claim 19**, Surwit teaches a method for providing a user with preventive care health maintenance information during a user lifetime (Surwit, Abstract, col. 6 lines 48-55), comprising the steps of: storing a medical record of a particular user (Surwit, Abstract); storing health maintenance guidelines and associated time information customized for said particular user based on characteristics including, age, sex and a particular user medical condition (Surwit, col. 6 lines 28-66 and Fig. 8); employing said guidelines and associated time information and retrieved medical record information of said particular user to initiate generation of a message at a particular time, said message prompting said particular user to initiate action in support of preventive care health maintenance of said particular user (Surwit, col. 7 lines 15-60); and processing said message for output communication to at least one of, (a) a user display, (b) a healthcare provider, and (c) a remote location (Surwit, Fig. 1 and col. 2 see section, "Summary of the Invention").

Conclusion

22.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIND PHONGSVIRAJATI whose telephone number is (571) 270-5398. The examiner can normally be reached on Monday - Thursday 8:00am-5:00pm (ET).

23.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-8300.

24.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/S. P./
Examiner, Art Unit 4176
17 June 2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 4176